

AN ORDINANCE AMENDING CHAPTER 24 OF THE
CITY OF FORT WAYNE CODE OF LAWS.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 24 of the City of Fort
Wayne Code of Laws be amended as follows:

CHAPTER 24SEWERS AND SEWERAGE SYSTEMARTICLE I - GeneralSec. 24.1. Definitions.

Unless the context specifically indicates otherwise,
the meanings of the following terms as used in this Chapter
and as used in the Rules and Regulations adopted by the
Board of Public Works implementing the provisions of this
Chapter for the Fort Wayne sewerage system are as set out
below respectively:

- a) "ACT:" the Federal Water Pollution Control Act, also
known as "The Clean Water Act," as amended, 33 U.S.C.
466, as referred to at I.C. 13-1-4-1.
- b) "APPLICABLE PRETREATMENT STANDARDS" - any pretreatment
limit or prohibitive standard (Federal, State and/or
Local) contained in the ordinance and considered to be
the more restrictive with which non-domestic users
shall be required to comply.
- c) "BIOCHEMICAL OXYGEN DEMAND (BOD)" - the quantity of
dissolved oxygen, in milligrams per liter, required
during the stabilization of the decomposable organic
matter by aerobic biochemical action of sewage, sewage
effluent, polluted waters or industrial wastes under
standard laboratory procedures for five days at 20°
centigrade. The laboratory determinations shall be
made in accordance with procedures set forth in
"Standard Methods" (see paragraph 138 below).
- d) "BUILDING (OR HOUSE) DRAIN:" that part of the lowest
piping of a drainage system which receives the
discharge from soil, waste and other drainage pipes
inside the walls of the building and conveys it to the
building sewer.

"COMBINED:" a building drain which conveys both sewage
and storm water or other drainage.

"SANITARY:" a building drain which conveys sewage
only.

"STORM:" a building drain which conveys storm water or
other drainage, but not sewage.
- e) "BUILDING (OR HOUSE) DRAIN CONNECTION:" the point
where the Building (or House) sewer is connected to the
building drain at a location approximately three (3)
feet outside the foundation wall of the building.
- f) "BUILDING (OR HOUSE) SEWER" - that part of the

1 drainage system which extends from the end of the
2 building drain and conveys its discharge to a public
3 sewer, private sewer, individual sewage disposal system
4 or other point of disposal.

5 **"COMBINED:"** a building sewer which conveys both sewage
6 and storm water or other drainage.

7 **"SANITARY:"** a building sewer which conveys sewage
8 only.

9 **"STORM:"** a building sewer which conveys storm water or
10 other drainage, but not sewage.

11 g) **"BUILDING (OR HOUSE) SEWER CONNECTION"** - the point
12 where the building sewer is connected to the public
13 sewer. This connection to the public sewer may be
14 accomplished as follows:

15 1. Where a tap-in connection is employed, the point
16 of connection shall be where the end of the
17 building sewer meets the inside face of the sewage
18 system and the tapping "saddle and/or joint" shall
19 be considered part of the building sewer.

20 2. Where fittings (T's or Y's) are employed the
21 connection shall be where the end of the first
22 pipe meets the end of the fitting and the said T
23 or Y fitting shall be considered a part of the
24 building sewer.

25 h) **"BULK WASTE"** - any containerized solid, liquid or
26 gaseous substance discarded or to be discarded as
27 worthless, defective or of no use to the person
28 discarding said substance.

29 i) **"CHEMICAL OXYGEN DEMAND (COD)"** - a measure of oxygen
30 equivalent to that portion of the organic matter in a
31 sample of sewage, sewage effluent, polluted waters or
32 industrial wastes that is susceptible to oxidation by a
strong chemical oxidant. The laboratory determinations
shall be made in accordance with procedures set forth
in "Standard Methods."

j) **"CITY"** - the City of Fort Wayne, Indiana.

k) **"CLASSIFICATION OF USERS"**

1. **"RESIDENTIAL USERS"** shall include any user of the
City's treatment works whose lot, parcel or real
estate or building is used for domestic dwelling
purposes only.

2. **"COMMERCIAL USER"** shall include all retail stores,
restaurants, office buildings, laundries and other
private business and service establishments.

3. **"INDUSTRIAL USER"** shall include any of the City's
treatment works which is identified in the
Standard Industrial Classification manual, 1972,
Office of Management and Budget, as amended and
supplemented, under the following divisions;
Division A-Agriculture, Forestry and Fishing;
Division B-Mining; Division D-Manufacturing;
Division E-Transportation, Communications,
Electric, Gas and Sanitary; and Division I-
Services.

4. **"INSTITUTIONAL USER"** shall include social,
charitable, religions and educational activities

such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

5. "GOVERNMENTAL USER" shall include legislative, judicial, administrative and regulatory activities of Federal, State and Local governments.

- 1) "DWELLING:" a building, or portion thereof, under one roof used primarily as the abode of one or more persons, but not including hotels, motels, lodging or boarding houses or tourist homes.
- m) "EFFLUENT" - the water, together with any wastes that may be present, flowing out of a drain, sewer receptacle or outlet.
- n) "EMERGENCY" - an unforeseen circumstance or combination of circumstances that may cause an eminent endangerment to the health and/or welfare of persons, the environment, or which may interfere with the operation of the sewer collection system or the Water Pollution Control Plant.
- o) "GARBAGE" - any solid wastes from the preparation, cooking or dispensing of food or from the handling, storage or sale of produce.
- p) "GROUND GARBAGE" - garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle being greater than one-half (1/2) inch in any dimension.
- q) "INDUSTRIAL WASTES" - any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escape from an industrial, manufacturing, commercial or business operation or process or from the development, recovery or processing of any natural resource carried on by any person.
- r) "INFLUENT" - the water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.
- s) "MAJOR INDUSTRIAL USER" - a user of the City-owned treatment works that: (a) has a flow of 25,000 gallons of process water or more per average work day discharged to the City's treatment works (excluding sanitary, non-contact cooling and boiler blowdown wastewater); (b) has a flow of waste greater than 5% of the flow carried by any part of the City system receiving the waste; (c) has in its waste, a toxic pollutant in amounts as defined in standards issued under Section 307 (a) of the Federal Act; or (d) is found by the Indiana Department of Environmental Management, in connection with the issuance of the NPDES Permit to the City-owned treatment works receiving the waste, to have significant impact whether singularly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.
- t) "NORMAL DOMESTIC SEWAGE" - sewage having an average daily suspended solids concentration of not more than 300 milligrams per liter, an average daily BOD concentration of not more than 300 milligrams per liter, an average daily COD concentration of not more than 600 milligrams per liter, an average daily phosphorus concentration of not more than 10 milligrams

per liter, and an average daily ammonia concentration of not more than 25 milligrams.

- u) "NPDES PERMIT" - the National Pollutant Discharge Elimination System Permit issued by the Indiana Department of Environmental Management for discharges of waste waters to navigable waters of the United States pursuant to Section 402 of 33 U.S.C. 466.
- v) "OPERATION AND MAINTENANCE COSTS" - all costs direct and indirect, other than debt services including replacement costs as defined in paragraph 128, necessary to insure adequate wastewater treatment on a continuing basis conforming with federal, state or local requirements and to insure long-term facilities management.
- w) "OUTLET" - any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.
- x) "PERSON" - any individual, owner, discharger, lessee, occupant, firm, partnership, company, municipal or private corporation, commercial establishment, association, society, institution, enterprise, governmental agency or other legal unit or entity.
- y) "pH" - the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solution.
- z) "POLLUTANTS" -
 - 1. "COMPATIBLE POLLUTANTS" - waste containing biochemical oxygen demand, chemical oxygen demand, suspended solids, phosphorus, pH and fecal coliform bacteria and ammonia NH_3 .
 - 2. "INCOMPATIBLE POLLUTANTS" - wastes with any pollutant that is not a compatible pollutant which is regulated by the NPDES permit or that would cause damage to the sewage system and/or treatment plant.
- aa) "RECEIVING STREAM" - the watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.
- bb) "REPLACEMENT COSTS" - that cost, stated in current monetary values, as an operating cost which represents and measures the expenditures required to replace equipment, accessories or appurtenances of the property in order to maintain capacity and performance during the useful life of the property of the Water Pollution Control Utility.
- cc) "REPLACEMENT FUND" - a fund maintained to provide resources to pay for replacement expenditures annually as required to maintain the capacity and performance of the property of the Sewage Works.
- dd) "SANITARY SEWAGE" - sewage discharged from the sanitary conveniences of dwelling, apartment houses, condominiums, motels, hotels, lodging or boarding houses, office buildings, factories or institutions and free from storm water, surface water, groundwater and

industrial wastes.

- ee) **"SERVICE CHARGE"** - a charge levied on a user of the treatment works which includes the user charge, a charge for local capital costs and may include other charges for current services.
- ff) **"SEWAGE"** - the water-carried wastes from residences, business buildings, institutions and industrial establishments, singularly or in any combination, together with such ground, surface and storm waters as may be present.
- gg) **"SEWAGE TREATMENT PLANT"** - **"WATER POLLUTION CONTROL PLANT"** - the arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.
- hh) **"SEWAGE WORKS"** OR **"WATER POLLUTION CONTROL UTILITY"**- all facilities and systems for collecting, transporting, pumping, treating, disposing of sewage and sludge, including the sewage treatment plant and the sanitary, storm and combination sewer collection systems whether or not in active use.
- ii) **"SEWER"** - a pipe or conduit for carrying sewage and other waste liquids as differentiated below:
 - 1. **"COMBINED OR COMBINATION SEWER"** - a sewer which carries storm, surface and groundwater runoff as well as sewage.
 - 2. **"PUBLIC SEWER"** - a sewer to the use of which all owners of abutting property have equal rights and is controlled and maintained by the City or other public authority.
 - 3. **"SANITARY SEWER"** - a sewer which carries domestic and unpolluted industrial sanitary sewage and to which storm, surface, groundwaters and unpolluted industrial waste waters are not intentionally admitted.
 - 4. **"STORM SEWER"** - a sewer which carries storm, surface and groundwater drainage but excludes sanitary sewage.
- jj) **"SEWER ENGINEER"** - the Chief Sewer Engineer of the City or his duly authorized representative; the term is synonymous with the term "Water Pollution Control Engineer."
- kk) **"SEWERAGE SYSTEM"** - the network of sewers and appurtenances used for collecting, transporting and pumping sewage to the Sewage Treatment Plant.
- ll) **"SHALL"** means mandatory; **"may"** means permissible.
- mm) **"STANDARD METHODS"** - the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Water Works Association and the Water Pollution Control Federation, a copy of which is on file in the Office of the Superintendent.
- nn) **"STRENGTH-OF-WASTE SURCHARGE"** - the additional charges for sewage service collected from users discharging sewage into the system having a strength measurement in excess of the limits imposed by the provisions of this

Chapter.

- oo) "SUPERINTENDENT" - the Superintendent of the Sewage Treatment Plant (Water Pollution Control Plant) of the City, or his duly authorized representative.
- pp) "SUSPENDED SOLIDS" - solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration is expressed in milligrams per liter. Quantitative determinations are made in accordance with procedures set forth in "Standard Methods."
- qq) "USER CHARGE" - a charge imposed on users of a treatment works to defray the cost of operation, maintenance and replacement.
- rr) "WASTE SURVEILLANCE CHARGE" - a monthly charge collected from users, qualifying as industrial or commercial class users, to defray the cost of evaluating that user's waste by metering, sampling, laboratory analysis and/or other methods deemed necessary. Said charges are set forth in Article VII and are subject to review annually as provided in Section 24-40.
- ss) "WATERCOURSE" - a channel in which the flow of water occurs either continuously or intermittently.

Sec. 24.2. Rules and Regulations-Board of Works Authority.

The Board of Public works of the City shall, in accordance with the Statutes of the State of Indiana, and subject to the provisions and requirements of this Chapter, make and enforce appropriate rules and regulations for the safe, economical and efficient management and operation of the City's Sewage Works, for the construction and use of sewers, building sewers, appurtenances and connections to the sewerage system; for the regulation, collection and refunding of rates and charges for sewerage service; and for the implementation of the provisions of this Chapter.

Sec. 24.3. Requirements for Connection to Public Sewers.

- a) No owners of or persons controlling any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained from the City and until owner has satisfied the obligation to pay all assessments, reimbursements and pro rata shares of sewer extension costs laid against that property for public sewers which serve it. A sewer tap permit given in error shall not operate to nullify and such obligation that has been duly recorded nor estop the City from charging and collecting such costs at any subsequent time.
- b) Notwithstanding the foregoing, the Sewage Works may, in accordance with policies and procedures adopted by the Board of Public Works and from time to time, permit any persons to tap or drain into a public sewer and to deter, in whole or in part, payment of the obligation, upon the execution and delivery to the Sewage Works of a note, mortgage, lien document or other evidence of obligation acceptable to the Sewage Works.
- c) All such deferred obligations shall be considered for the purposes of Indiana Code Section 36-9-23-31 through 36-9-23-34 to be fees assessed against real property.

- 1 d) Installments of deferred obligations, including any
2 finance charges or interest chargeable thereon, shall
3 be deemed to be "charges for sewerage service" for the
4 purposes of Articles VIII and IX of this Ordinance.
- 5 e) Sewer tap permits shall be obtained from the City's New
6 Water and Sewer Permit Office and shall be issued only
7 to licensed sewer tap contractors, who shall pay to the
8 Sewage Works a fee of fifty dollars (\$50.00) for each
9 sewer tap permit for a standard six-inch service, a fee
10 of ninety dollars (\$90.00) for each sewer tap permit
11 for a special six-inch service (such as a sewer tap
12 into a collection system manhole) and a fee of ninety
13 dollars (\$90.00) for each sewer tap permit for a sewer
14 service larger than six-inches. The aforementioned
15 charges will apply to similar types of taps into the
16 City storm sewer system. Not later than 48 hours after
17 making each sewer tap and building of the sewer
18 installation, the tap contractor or property owner
19 shall notify the New Water and Sewer Permit Office of
20 such connections so that an inspection may be made by
21 the Sewage Works prior to backfilling the said sewer
22 installation.
- 23 f) No person shall connect any roof downspout, exterior
24 foundation drain, or other source of surface runoff or
25 groundwater to a building sewer or building or house
26 drain which is connected either directly or indirectly
27 to a sanitary sewer of the City.
- 28 g) The Board of Public Works shall have the authority to
29 require an owner of real property to disconnect any
30 downspouts, yard drains or other drains which carry the
31 runoff of natural precipitation from a building sewer
32 which drains into a sanitary sewer. Property owners
shall have thirty (30) days after notice thereof to
comply with any such requirement.
- h) A new connection may be made to a City sewer or sewers
connected to the City system only after there has been
adequate assurance by the City that the downstream
facilities of the Sewage Works have adequate capacity
to transmit and treat the new waste loadings.
- i) No person shall make use of a sewer tap or back-fill or
otherwise conceal a sewer installation unless and until
the same has been inspected and approved by the Sewage
Works. In addition to all other remedies, the Sewage
Works may cause the said installation of sewer tap to
be excavated and exposed, may terminate the connection
and may require the owner or occupant to pay or
reimburse the Sewage Works for its costs and expenses
in such excavation, exposure, termination, reconnection
and restoration. Such costs and expenses shall be
considered as charges for sewerage treatment services
and may be collected in accordance with the provisions
of Indiana Code 36-9-23-31 through 36-9-23-34 and
Article IX of this Chapter.
- j) No person shall construct any combination sewers
without the express written consent and approval of the
Board of Public Works.
- k) The Board of Public Works shall have the authority to
require that new construction tributary to any combined
sewer be designed to minimize or delay inflow
contribution to the existing combined sewerage system.
- m) The Board of Public Works shall have the authority to

require that for any new building any storm sewer connection to any combined sewer shall be made separate and apart from the sanitary sewer connection in order to facilitate future disconnection from the combined sewer in the event a separate storm sewer subsequently becomes available.

Sec. 24.4. Extensions of Sewers Outside Corporate Limits.

The installation, construction, or extension of sanitary sewers by private developers or by the City outside the corporate limits of the City and the connection of said sanitary sewers into the City's sewage system from, by, to, or for properties located outside such limits is prohibited, except with the approval of the Board of Public Works by duly enacted resolution, provided that a resolution ratifying and agreement and/or contract for such construction and connection shall be deemed to constitute such approval.

Sec. 24-5. Connections to Sewerage System by Certain Out-of-City Properties.

Notwithstanding the provisions of Sec. 24-4, the Board of Public Works shall have the authority to permit a property located outside the corporate limits of the City to connect to an existing sanitary sewer which is part of the City's sewerage system, when the property abuts, adjoins or is immediately contiguous to the street, alley or easement in which such sewer is located and provided the property owner or occupant has complied with the requirements prescribed by Sec. 24-3 of this Chapter.

Sec. 24-6. Enforcement.

The provisions of this Chapter shall be enforced by the Superintendent of the Water Pollution Control Plant and such deputies as he, with the approval of the Board of Public Works, may appoint for such purposes. Whenever said Superintendent or any such deputy shall deem it appropriate to charge any person with a violation(s) of this Chapter, he shall issue to such person a Notice of Violation and/or Summons, which shall be processed according to the provisions of Indiana Code (34-4-32-1) and sewer rules and regulations.

Sec. 24-7. Penalty for Violations.

Any person who violates or fails to comply with any provision of this Chapter or of the Rules and Regulations of the Board of Public Works or Administrative Orders pertaining thereto, shall be deemed to have committed a Class B infraction and upon conviction thereof be subject to a fine of up to \$1,000.00 per infraction as provided by Indiana Code 34-4-32-4. Each day that such violation(s) or noncompliance continues shall constitute a separate offense.

Sec. 24-8. Damage to City Property Prohibited.

It shall be unlawful for any unauthorized person to maliciously, willfully or negligently break, damage, destroy, remove, deface or tamper with any structure, appurtenance or equipment which is part of the City sewage system, the City's Water Pollution Control Plant or property of others assigned to the City for operation and maintenance and shall be liable for damage.

Sec. 24-9. Dilution.

It shall be unlawful for any person to increase the use of

potable water or process water in any way, or mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with pretreatment standards or requirements. The City may impose discharge limitations on any persons using dilution to meet applicable pretreatment standards or discharge permit requirements. The City may also impose discharge limitations in other circumstances deemed appropriate by the Board of Public Works.

Sec. 24-10. Accidental Discharges.

- a) Each person shall provide protection from accidental discharge of prohibited or regulated materials or substances to sewers of the City of Fort Wayne. Where necessary, procedures and facilities to prevent the accidental discharge of prohibited materials shall be provided and maintained at said discharger's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review, and be approved by the City before construction of the facility. Review and approval of plans and operating procedures by the City shall not relieve the discharger from the responsibility to modify its facility as necessary to meet applicable federal, state and local requirements.
- b) All responsible persons shall notify the Superintendent of the Water Pollution Control Plant, or his representative, immediately when a "slug load" or accidental discharge occurs. A written report shall be submitted within five (5) days of the incident. The notification must include the location of the discharge, date and time of occurrence, type of waste, concentration and volume and corrective actions taken. Any person who discharges a "slug load" of prohibited materials will be liable for any expense, including loss or damage to the City's sewerage system and treatment facilities in addition to the amount of any fines imposed upon the City under state or federal law.
- c) Signs must be permanently posted in conspicuous places on the dischargers' premises, advising employees whom to call in the event of an accidental discharge. Employers shall adequately instruct all employees who may cause or discover such discharges of the emergency notification procedures.

ARTICLE II - PERMITTED COMMERCIAL AND INDUSTRIAL WASTES

Sec. 24-11. Prior Approval for Certain Wasters.

Review and acceptance by the Superintendent shall be obtained prior to the discharge into the sewage works sewers by any persons having sewage wastes which contain:

- a) Either a BOD content greater than 300 milligrams per liter or a COD greater than 600 milligrams per liter.
- b) A suspended solids content greater than 300 milligrams per liter.
- c) A phosphorus content greater than 10 milligrams per liter.
- d) An ammonia content greater than 25 milligrams per liter.

- 1 e) Other contaminants which either from their constituents
2 or quantities will: (a) interfere with the operation
3 of any portion of the Sewage Works; (b) pass through
4 the treatment works or otherwise be incompatible with
such works; (c) prevent the reclamation and/or
recycling of municipal or industrial wastewaters and
sludges.

5 **Sec. 24-12. Pretreatment Facilities - General.**

6 When, after making such a review, the Superintendent
7 concludes that, before the person discharges waste into the
8 public sewers, the person must modify or eliminate those
9 constituents which would be harmful to the structures,
10 processes, or operations of any portion of the Sewage Works
11 or injurious to the health of the general public, then that
person shall either modify the wastes at the point of origin
or shall provide and operate, at said person's expense, such
treatment and processing facilities as may be deemed
necessary to render said person's waste acceptable for
admission to the public sewers.

12 **Sec. 24-13. Pretreatment Facilities - Prior Approval.**

13 Plans, specifications and any other pertinent information
14 relating to proposed treatment or processing facilities
15 shall be submitted to the Superintendent for examination and
16 approval. No construction of such facilities shall begin
17 until the Superintendent has given written approval. Such
18 approval shall not exempt the person from the obligation to
19 make further reasonable adaptations of such facilities when
20 such adaptations prove necessary to secure the results of
acceptable waste concentrations desired. The approval of
proposed facilities and/or equipment by the Superintendent
does not in any way guarantee that such facilities and/or
equipment will function in the manner described by the
person's constructor or the manufacturer of said facilities
and equipment, nor shall such approval relieve any person of
the responsibility of enlarging or otherwise modifying such
facilities to accomplish the intended purposes.

21 **Sec. 24-14. Pretreatment Facilities - Operation.**

22 Where pretreatment facilities are provided pursuant to the
23 Superintendent's approval, they shall be maintained
24 continuously in satisfactory and effective operating
25 condition at the person's expense and shall be subject to
26 periodic and random inspection and sampling by the City.
27 The person responsible for such facilities shall maintain
28 suitable operating records which shall be open to inspection
29 by the City, and shall submit to the Superintendent such
monthly summary reports of the character of the influent and
effluent of the facilities as the Superintendent may
require. All records and reports shall be retained for a
minimum of three (3) years. All industry whether defined as
Categorical or Non-Categorical Industry by state and federal
regulations shall comply with all requirements of 40 CFR
403.12.

30 **Sec. 24-15. Federal Pretreatment Standards.**

31 As part of this Ordinance the City shall enforce all federal
32 pretreatment standards including but not limited to
Categorical Pretreatment Standards upon persons within its
service area or within the service area of any Contract
Customers.

ARTICLE III - Prohibited Commercial, Industrial and Institutional Discharges.

Sec. 24-16. Prohibitions and Limitations.

Except as hereinbefore provided, no person shall discharge or cause or permit to be discharged into the public sewer any of the following described substances, wastes or waters:

- a) Any liquid or vapor having a temperature greater than 140° Fahrenheit.
- b) Any waters or wastes containing more than 100 milligrams per liter of grease, oils, fats or waxes.
- c) Any gasoline, benzene, naphtha, fuel oil, mineral oil or any other flammable or explosive solid, liquid or gas.
- d) Any noxious or malodorous gas or substance which either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into the sewers of their maintenance or repair.
- e) Any garbage that has not been properly pretreated and reduced per Sec. 24-1-116.
- f) Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system or the Sewage Treatment Plant.
- g) Any waters or wastes having a pH less than 6.0 or greater than 10.0 or having any other corrosive property capable of causing damage or posing hazards to the structures, equipment or personnel of the Sewage Works.
- h) Any waters or wastes containing toxic substances, as defined under Section 307 (b) and (c) of the Clean Water Act in sufficient quantity to interfere with the biological process of the Sewage Treatment Plant or that will pass through the Plant into the receiving stream in amounts exceeding the standards set forth by federal, interstate, or other competent authority having jurisdiction, or will prevent the disposal of the sludges by the Plant in accordance with Section 405 of said Act.
- i) Any toxic radioactive isotopes, without a special permit. The radioactive isotopes of I 131 and P 32 used in hospitals are not prohibited, if they are properly diluted before being discharged into the sewerage system, as further defined in the General Rules and Regulations.
- j) Any waters or wastes that for a duration of 15 minutes or more have a concentration more than 5 times the average concentration of BOD or suspended solids of the user's sewage discharged during a 24 hour period of normal operation.
- k) Any waters or wastes containing suspended solids of such character and quantity that unusual provisions, attention and expense would be required to handle such

materials at the Sewage Treatment Plant, its pumping stations or other facilities.

- 1) Any waters or wastes containing incompatible pollutants as herein described.
- m) Any waters or wastes containing any toxic substances in quantities that are sufficient to interfere with the biochemical processes of the Sewage Treatment Plant, that will pass through the plant into the receiving waters or accumulate in the sludges in an amount exceeding the limitations, set forth by any federal, state, interstate or local limitations whichever is more stringent. Specifically excluded are any waters or wastes containing toxic ions, compounds, or substances in concentrations or amounts exceeding the limitations set forth by the Board of Public Works and published in the General Rules and Regulations.
- n) Any bulk waste, either industrial or domestic, without prior written approval of the Superintendent.
- o) Any substances with objectional color not removed by the treatment process, such as, but not limited to dye waste and vegetable tanning solutions.
- p) The City reserves the right to refuse, deny or revoke the connection of any user in the event the sewerage service requirements of the user, in the judgment of the Superintendent could or would impose an excessive burden on the Sewage Works or in the event the user is or has been repeated violation of this Ordinance. The City further reserves the right in the event of any emergency, to restrict the allowable discharge received from any or all large users of the sewerage system during the time of such emergency.
- q) Pollutants which create a fire or explosion hazard in the City's treatment works or sewage system, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit, or 60 degrees centigrade using test methods specified in 40 CFR 261.21.

Sec. 24-17. Responsibility for Obstructing or Damaging Sewers.

If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharges shall reimburse the City for the expenses incurred by the City for cleaning out, repairing, rebuilding the sewer or for any litigations or damage claims resulting therefrom, including legal fees and court costs. For multiple offenders, each responsible person shall be assessed a proportionate percentage of the damage.

ARTICLE IV - Control of Admissable Industrial, Commercial and Institutional Wastes.

Sec. 24-18. Submission of Data on Industrial Waste.

- a) Any person who discharges industrial waste into the City's sewerage system either directly or indirectly, shall forthwith fill out and file, with the Superintendent, an Industrial Waste Questionnaire, baseline monitoring report or permit application, the form for which will be furnished by the City, in which shall be set forth the quantity and characteristics of

the wastes discharged into the City's sewerage system. Any owner desiring to establish a new connection to the public sewer or to establish a new account with Sewage Works for the purpose of discharging industrial or commercial waste shall ninety (90) days prior to discharge first fill out and file with the Superintendent such a questionnaire, baseline monitoring report or permit application, which shall contain the actual or predicted data relating to the quantity and characteristics of the wastes to be discharged. After review of the submitted documents and permit application, the Superintendent shall issue an industrial wastewater discharge permit which shall contain conditions and requirements with which the person shall comply.

- b) Any person who adds, changes, modifies or proposes to change manufacturing or pretreatment processes shall first notify the Sewage Works, in writing, and submit a new or revised Industrial Waste Questionnaire for review by the Superintendent.
- c) Any person who knowingly makes any false statement, representation or certification in any application, report or other document required by the municipal ordinance or other applicable regulations shall, upon conviction be punished by the imposition of a criminal penalty as required by local and/or State statutes.
- d) When special circumstances render it an unreasonable burden to comply with the time schedule determined by the Sewage Works for the correction of any industrial waste discharge problem, an extension of time, not to exceed 90 days, may be granted by the Superintendent upon presentation in writing of an application for such relief.

Sec. 24-19. Confidential Information.

Information and data furnished to the City by any person shall be made available to the public or other governmental agency without restriction unless the person specifically requests and is able to demonstrate in accordance with 40 CFR 2.203 and 330 IAC 5-1.5-8 that the release of such information would divulge information and/or methods of production entitled to protection as trade secrets or proprietary information of said person. However, under no circumstances may the volume or the components of the discharge be considered confidential. All requests, by the person, for confidentiality of information shall be made in accordance to and governed by the provisions of 330 IAC 5 and 40 CFR 2.

Sec. 24-20. Control Manholes.

Any person who discharges or may discharge industrial wastes into a public sewer via any means such as floor drains, sinks, catch basins, etc., shall be required by the Superintendent to construct and maintain, at his own expense, one or more control manholes, at a specified location or locations, to facilitate the observation, measurement and sampling of owner's waste. Such manholes shall be constructed in accordance with the standards and specifications of the City. The Superintendent may also require the person to install and maintain in any such manhole, at said person's expense, an approved volume-measuring device. Plans and/or shop drawings for the installation of control manholes and related equipment shall be approved by the Superintendent before any construction is begun.

Sec. 24-21. Grease and Sand Traps.

Whenever the Superintendent determines that interceptors or traps are needed to protect the City's sewerage collection system or the City's Treatment Plant from grease, oil, sand or similar substances occurring in any person's sewage and so notifies said person, then such traps shall be promptly installed by said person, at said person's expense and shall be so maintained by that person that none of such substances can be discharged or carried over into the public sewers. All traps or interceptors shall meet the City's standards as to construction, location and installation.

Sec. 24-22. Waste Sampling.

- a) Any person shall be subject to periodic and random inspections by the City for the purpose of determining compliance with permit limitations, solvent management plans or spill prevention plans, identifying dilution streams or to categorize regulated processes. These inspections may consist of monitoring waste streams, inspection of the premises, inspection and/or copying of production records, pretreatment operating records and other records or data deemed necessary by the inspector for the purposes stated above.
- b) The installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Superintendent. Access to the sampling facilities shall be granted, at all times, to the Superintendent.
- c) Where any person's operations have security measures in force which require proper identification and clearance before entry onto said person's property is granted, such person shall make the necessary arrangements with their security personnel that upon showing of proper identification personnel from the City shall be permitted to enter, without delay, for the purpose of observing or monitoring of wastes being discharged at a given point or points or that person shall install suitable control manholes outside of the security area or areas, which at all times will be immediately available to City personnel.

Sec. 24-23. Waste Analysis Procedures and Charges.

Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods", Code of Federal Regulations 40 CFR 136 or approved EPA methods.

- a) **CHARGES TO USERS** - alternate methods for certain analyses of commercial, industrial or institutional estates may be used subject to mutual agreement between the Superintendent and the user. In the event of a dispute between the Superintendent and the user as to the characteristics, strength, toxic nature or other particulars of the sample taken and analyzed by the City, either party may request that the sample in dispute be analyzed by a mutually acceptable referee whose charges shall be paid by the party requesting the analysis. Analyses made by the City at the request of the user, shall be charged to the user according to the Sewage Works' standard work order billing procedure. All such analyses shall be binding in determining strength-of-waste surcharges and other matters dependent upon the character and concentration of wastes.

b) **CHARGES TO GOVERNMENTAL AGENCIES** - analyses performed by the Water Pollution Control Plant Laboratory for any governmental agency, or political sub-division of a city, county or state shall be billed to such agency or sub-division for direct labor and expenses according to the Sewage Works' standard work order billing procedure. Analyses performed for other agencies shall not have priority over the regular Water Pollution Control Plant analyses unless in the judgment of the Superintendent the urgency of the analyses warrants such priority.

c) **CHARGES OF OUTSIDE SERVICES** - Analyses performed by the Water Pollution Control Plan Laboratory for any person shall be billed at the rate established by the Water Pollution Control Plan Laboratory for such analyses.

d) **CHARGES COLLECTED** - All waste analysis charges collected under Section 24-23-a) and b) above shall be recorded as credits to the operating costs of the Water Pollution Control Plant and a quarterly accounting thereof shall be forwarded to the Superintendent. All such charges are to be used to defray the operation and maintenance expenses incurred by the Water Pollution Control Plant in performing said analyses.

Sec. 24-24. Use of Representative Analysis.

Until an adequate analysis of a representative sample of user's wastes has been obtained, the City may, for the purpose of this Chapter, make a determination of the character and concentration of the wastes by using data based on analysis of similar processes or data for this type of business that are available from the United States Environmental Protection Agency or from industry-recognized authoritative sources. This method, if selected by the City, shall continue at the City's pleasure or until an adequate analysis has been made.

ARTICLE V. SERVICE CHARGE BASED ON WATER USAGE

Sec. 24-25. Water Obtained from the City's Water Utility.

The charges made for sewerage service rendered to each lot, parcel of real estate or building having any connection with the City's sewerage system or otherwise discharging sewage into the system, either directly or indirectly, shall be based upon the quantity of water presumed to enter the public sewers after being used in or on the property, as the quantity is measured by the water meter or meters there in use by the City's Water Utility, except as herein otherwise provided.

Sec. 24-26. Water Obtained from Other Sources.

Where the property obtains any part or all of the water used from sources other than the City's Water Utility, the owner or the tenant may be required by the City to install and maintain at the user's own expense a meter or meters acceptable to the City for the quantity of water obtained from these other sources.

Sec. 24-27. Exempt Water - General.

Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly, the person having charge of the property may request permission from the City to install at the user's expense either an approved meter or meters to determine the

quantity of water that cannot enter the sewerage system or an approved sewage-measuring device or devices to determine the volume of sewage that actually enters the sewerage system. In any case the service charge shall be based on the quantity of water that can or actually does enter the public sewers but in no case shall it be less than the minimum charge for the class of user served.

Sec. 24-28. Metering of Sewage.

The City may require a person to install and maintain at the user's expense and approved device to measure directly the volumes of wastes discharged to the sewerage system if those volumes cannot otherwise be determined from the metered-water consumption records. The City shall inspect and approve such installation and no such services, once installed, shall be removed without the City's approval.

Sec. 24-29. Reserved.

ARTICLE VI. USER CHARGES

Sec. 24-30. Residential User Charges.

Charges for services rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for this classification of service:

Service Charge (Cents per 100 cu. ft.)

Operation, Maintenance and Replacement	59.08
Capital	<u>16.10</u>
Total User Charge	<u>75.18</u>

User Minimum Charges and Other Fixed Payments

In the event the monthly sewage Service Charge calculated in accordance with the schedule above does not exceed the minimum monthly charge for each class of user as set forth hereafter, user shall pay said minimum monthly charge, in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 3.63
1 - 1 1/2"	12.82
2"	26.50
3"	53.30
4"	88.60
6" or larger	246.00

User Flat Charges

In the event that any user in this classification is not a metered water customer, there shall be imposed flat charge rates as follows:

<u>Classification of Customer</u>	<u>Monthly Flat Charge (1)</u>	
	<u>In City</u>	<u>Out-City</u>
Residential User-Single Family Dwelling	\$7.52	\$9.00
Residential User-Multi Family Dwelling	To be estimated by City	

a) Monthly flat charges for multi-family dwellings shall

be based on the number of family units accommodated by the system multiplied by the single family dwelling monthly charges.

The Utility shall retain documentation supporting its estimates and the billings based thereon. Such determination of billings may be reviewed and adjusted by the Utility at any time. However, no adjustment, additional charge or refund may be made more than six (6) years after the due date of the billing sought to be adjusted.

Inbalco Capital Surcharge - per month \$4.65

Sec. 24-31. Industrial User Charges.

Charges for services rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for this classification of service:

<u>Service Charge (Cents per 100 cu. ft.)</u>	
Operation, Maintenance and Replacement	59.08
Capital	<u>16.10</u>
Total User Charge	<u>75.18</u>

User Minimum Charges and Other Fixed Payments

In the event the monthly sewage Service Charge calculated in accordance with the schedule above does not exceed the minimum monthly charge for each class of user set forth hereafter, user shall pay said minimum monthly charge, in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 3.63
1 - 1 1/2"	12.82
2"	26.50
3"	53.30
4"	88.60
6" or larger	246.00

Other Industrial User Charges

- 1) Monthly billing charge - per bill \$3.15
- 2) Excess Strength of Wastes Surcharge - in the event an industrial user contributes waste having strength of sewage in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charges will be in effect for all waste found to be in excess of limitations:

	<u>Cents Per Pound</u>
Suspended Solids - (SS)	\$ 6.12
Biochemical Oxygen Demand - (BOD)	6.79
Phosphorus - (P)	55.14
Ammonia - (NH-3)	16.73

User Flat Charges

In the even any user in this classification is not a metered water customer, there shall be imposed a flat charge estimated by the City.

Sec. 24-32. Commercial User Charges

Charges for services rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for this classification of service:

Service Charge (Cents per 100 cu. ft.)

Operation, Maintenance and Replacement	59.08
Capital	<u>16.10</u>
Total User Charge	<u>75.18</u>

User Minimum Charges and Other Fixed Payments

In the event the monthly sewage Service Charge calculated in accordance with the schedule above does not exceed the minimum monthly charge for each class of user as set forth hereafter, user shall pay said minimum monthly charge, in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 3.63
1 - 1 1/2"	12.82
2"	26.50
3"	53.30
4"	88.60
6" or larger	246.00

User Flat Charges

In the event any user in this classification is not a metered water customer, there shall be imposed a flat charge rate estimated by the City.

Inbalco Capital Surcharge - per month \$4.65

Other commercial User Charges

In the even any user under this classification contributes waste having a strength of sewage in excess of domestic waste characteristics as hereinbefore defined, such user will be charged for surveillance and surcharges as set forth elsewhere herein for Industrial Users.

Sec. 24-33. Institutional User Charges.

Charges for services rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for this classification of service:

Service Charge (Cents per 100 cu. ft.)

Operation, Maintenance and Replacement	59.08
Capital	<u>16.10</u>
Total User Charge	<u>75.18</u>

User Minimum Charges and Other Fixed Payments

In the event the monthly sewage Service Charge calculated in accordance with the schedule above does not exceed the minimum monthly charge for each class of user set forth

hereafter, user shall pay said minimum monthly charge, in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 3.63
1 - 1 1/2"	12.82
2"	26.50
3"	53.30
4"	88.60
6" or larger	246.00

Other Institutional User Charges

In the event any user under this classification contributes waste having a strength of sewage in excess of domestic waste characteristics as hereinbefore defined, such user will be charged for surveillance and surcharges as set forth elsewhere herein for Industrial Users.

User Flat Charges

In the event any user in this classification is not a metered water customer, there shall be imposed a flat charge estimated by the City.

Inbalco Capital Surcharge - per month \$4.65

Sec. 24-34. Governmental User Charges.

Charges for serviced rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for this classification of service:

Service Charge (Cents per 100 cu. ft.)

Operation, Maintenance and Replacement	59.08
Capital	<u>16.10</u>
Total User Charge	<u>75.18</u>

User Minimum Charges and Other Fixed Payments

In the event the monthly sewage Service Charge calculated in accordance with the schedule above does not exceed the minimum monthly charge for each class of user set forth hereafter, user shall pay said minimum monthly charge, in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 3.63
1 - 1 1/2"	12.82
2"	26.50
3"	53.30
4"	88.60
6" or larger	246.00

Other Governmental User Charges

In the event any user under this classification contributes waste having a strength of sewage in excess of domestic waste characteristics as hereinbefore defined, such user will be charged for surveillance and surcharges as set forth elsewhere herein for Industrial Users.

User Flat Charges

In the event any user in this classification is not a metered water customer, there shall be imposed a flat charge estimated by the City.

Inbalco Capital Surcharge - per month \$4.65

Sec. 24-35. Contract Customers - Unit and Other Charges.

In the event the City consummates a contract to serve as a regional treatment plant for any other municipality or private sewage utility, either contiguous to the City or in its environs, said contract shall provide for the following unit charges:

a) Volume Charge (cents per 100 cu. ft.).

Treatment	41.01
Capital Charge	.25
	<u>41.26</u>

b) Variable Charge (cents per 100 cu. ft.).

A variable charge for conveyance and collection costs attributable to the portion of the conveyance system and operating costs associated therewith used by the contract customer shall be computed by the City and added to the volume surcharge.

c) Flat Charge.

In addition to the foregoing charge based on volume of sewage treated and conveyed each contract customer will pay a monthly billing charge of \$3.15 and a monthly surveillance charge of \$146.65.

d) Excess Strength of Waste Surcharge.

In the event an institutional user contributes waste having a toxic strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charges will be in effect for all waste found to be in excess of limitations:

	<u>Cents Per Pound</u>
Suspended Solids - (SS)	\$ 6.12
Biochemical Oxygen Demand - (BOD)	6.79
Phosphorus - (P)	55.14
Ammonia - (NH-3)	16.73

e) Capital Surcharge.

In the event a contract customer delivers sewage for treatment to City for a period of 90 consecutive days which is in excess of base MGD contracted for, then customer will be subject to an additional capital charge computed at the capital charge (per 100 cu. ft.) then in effect times the excess percentage of MGD represented by dividing actual MGD by contracted MGD.

f) Other Provisions.

In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by this Chapter, the City shall have the right to impose all charges, limitations and penalties applicable to any non-contract user by the

City. Each contract entered into by the City pursuant to the foregoing rate classification shall provide that the contract customer shall agree to enact and maintain a Sewer Use Ordinances and User Charge System acceptable to the City and in conformance with the City's obligations under Sec. 204 (b) (1). Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35-905-8, 35-928-1 and 35-928-2 and 35-935-13.

Sec. 24-36. Bulk Waste Charges.

Industrial - for all industrial waste suitable for disposal directly through the plant digestors which as been delivered by the Customer to City's plant - \$287.50 per load. For purposes of computing charges hereunder, a load is defined as 5,000 gallons of tank capacity or fraction thereof.

Domestic - for all domestic waste delivered to plant by customer's truck or tank - \$37.25 per load. For purposes of computing charges hereunder, a load is defined as 1,000 gallons of tank capacity or fraction thereof.

Sec. 24-37. Annual Review of Service Charges.

Prior to May 1 of each year, the Chief Financial Officer of the City and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD, suspended solids and phosphorus per year, with the unit charges currently in effect from which the Board shall determine whether the current service charges and surcharges are adequate or should be changed. The methodology utilized in developing this cost comparison shall include:

- a) A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC Utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance and replacement costs to each user class.
- b) Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior operation period sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the Utility, including cost of management, system repair and replacement, debt retirement and other costs incidental to the Utility Operation attributable to such class.

ARTICLE VII. - STRENGTH-OF-WASTES SURCHARGE.

Sec. 24-38. Liability for Surcharge.

Each user discharging wastes into the sewerage system shall be subject to a strength-of-wastes surcharge, in addition to other sewage service charges imposed by this ordinance, based on the following minimum strength characteristics to the extent that such wastes are in concentrations greater than:

- a) Biochemical oxygen demand of 300 milligrams per liter.

- b) Chemical oxygen demand of 600 milligrams per liter.
- c) Suspended solids content of 300 milligrams per liter.
- d) Phosphorus content of 10 milligrams per liter.
- e) Ammonia content of 25 milligrams per liter.

Sec. 24-39. Computation of Surcharge.

The surcharge shall be determined as follows:

The excess pounds of BOD or COD (whichever results in the higher charge) suspended solids, phosphorus and ammonia will each be computed by first multiplying the user's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this product by the difference between (a) the concentrations measured in milligrams per liter, of the BOD (or COD), suspended solids, phosphorus and ammonia respectively in the user's sewage and (b) the allowed concentrations set out in Section 24-38. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in Section 24-31. In the event COD measurement is used, as hereinbefore provided, 50% of the excess pounds measured will be used to compute the equivalent BOD charge.

Sec. 24-40. Waste Evaluation Charges.

All users discharging wastes into the system requiring continuing surveillance sampling and waste evaluation shall be subject to a monthly fixed charge to cover the costs of such services in the amount of \$146.65 per discharge point. In the event any user is not in compliance with effluent discharge limitations, as set forth elsewhere herein, and such non-compliance requires additional surveillance, sampling and waste evaluation, the user will be charged \$146.65 per occurrence.

Sec. 24-41. Revision of Rates Surcharge.

Prior to May 1 of each year, the Chief Financial Officer of the City and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit costs for removing BOD, suspended solids, phosphorus and ammonia from the Sewage Treatment Plant influent during the previous calendar year with the unit charge currently in effect in order that the Board may determine whether the current rates of surcharges are adequate or should be changed and request legislative enactment of said changes by the Common Council.

ARTICLE VIII. - BILLING OF SERVICE CHARGES

Sec. 24-42. Billing Period.

- a) Charges for sewerage services shall be computed and billed by the General Office of the City Utilities. Bills shall be rendered approximately monthly, unless additional billing is required to reflect customer changes, meter changes, service terminations, initial billings or is otherwise required to adjust billing cycles.
- b) Billings for sewerage service shall be rendered with and shall be due and payable on the same due date as billings for water service to the same premises, if any, and if none, then within such billing cycle as the

Utility may determine.

Sec. 24-43. Liability for Payment.

- a) Charges for sewerage service shall be billed to the person being billed for water service, if any, unless by contract with the Utility, another person assumes responsibility for payment. Notwithstanding billing to, and assumption of responsibility by any person, charges for sewerage service shall remain the responsibility of the owner of the real estate, who shall hold the Utility harmless from any loss occasioned by the delinquency of the person billed, including all penalties, recording fees, attorney's fees, interest, and court costs, if any.
- b) The owner of the real estate shall have the right to examine the Utility's records of billing and collection to ascertain whether such charges have been paid, and the amount thereof.
- c) Nothing herein contained shall permit the owner, or any person other than the person being billed, to inspect, examine or otherwise obtain confidential information including the income, employment, finances or social security number of the person being billed.

Sec. 24-44. First Billings.

The rates, charges and surcharges fixed in this Chapter shall extend to and cover any additional premises hereafter served, without hearing or notice. If the first billing to a new user covers a period other than a full billing month, then the charges for sewerage service for such billing shall be made in accordance with standard practice employed by tv City's Water Utility.

Sec. 24-45. City Subject to Charges.

For sewerage services rendered to the City, or any department, structure, or property, thereof, the City shall be subject to the same rates and charges herein established for other persons, or to rates and charges established in harmony herewith.

Sec. 24-46. Consolidation of Accounts.

Where an industrial, commercial or other non-residential enterprise is operating in a unified manufacturing or service arena composed of two or more contiguous parcels of real estate and is supplied with water through two or more meters, upon application by the owner or his authorized agent, a consolidation of the water meter readings may be made for the purpose of calculating the sewerage service charge.

Sec. 24-47. Notice of Capital Surcharge.

The City Clerk shall certify a copy of Special Ordinance No. 2-233-81, enacted October 28, 1981, and all amendments thereto, heretofore or hereafter adopted, and shall record such certified copy in the Office of the Recorder of Allen County, Indiana to provide constructive notice to the owners and purchasers of real property in Adams Township and St. Joseph Township that a capital surcharge may be imposed upon properties connected to, or to e connected to, the City Utility Sewerage System, in those areas of said townships formerly served by sewerage system purchased or otherwise acquired by the City Utility.

ARTICLE IX. - DELINQUENT ACCOUNTS

Sec. 24-48. Delinquencies.

Charges for sewerage service levied pursuant to this Chapter shall be due and payable on or before the due date stated on the bill. Any charge for sewerage and/or stormwater service not paid by the due date shall be delinquent, and may be collected, with any applied penalty, recording fees, service charges, attorney's fees, interest and court costs, if any, in accordance with this Chapter and with Indiana Code Sections 36-9-23-31 through 36-9-23-34. A penalty of ten percent (10%) of the amount of the charges for sewerage service and/or stormwater service shall be attached to the delinquent charges.

Sec. 24-49. Collection Through Shutting Off Water Service.

Where the property having a delinquent account for charges for sewerage service and/or stormwater service is served by the City's Water Utility, the Utility may, after reasonable notice to the person being billed, as provided by the Rules and Regulations of the Utility adopted by the Board of Public Works, shut off water service to the property. Water service shall not be restored until the delinquent account, together with the costs of turning off and turning on the water, shall have been paid.

Sec. 24-50. Collection Through Terminating Sewer Service.

In addition to all other remedies provided, the Utility may, after reasonable notice to the person being billed, as provided by the Rules and Regulations of the Utility adopted by the Board of Works, terminate sewerage service and/or stormwater service to the property. Sewerage service and/or stormwater service shall not be restored until the delinquent account, together with the costs of terminating an reconnecting service, shall have been paid.

Sec. 24-51. List of Delinquent Fees and Penalties - Tax Duplicates - Collection.

Delinquent charges for sewerage services and/or stormwater services, and applied penalties, recording fees and service charges may be made a lien upon the property and may be collected in accordance with the provisions of Indiana Code 36-9-23-32 and 36-9-23-33.

Sec. 24-52. Collection Through Court Actions.

In addition to the foregoing remedies, the City may recover the amount of the charges for sewerage services and/or stormwater services, penalties and reasonable attorney's fees in a civil action, and may foreclose a lien established by this Chapter in accordance with Indiana Code 36-9-23-34.

Sec. 24-53. Reserved.

ARTICLE X. - ACCOUNTING FOR SEWERAGE SERVICE CHARGES

Sec. 24-54. The City Controller shall establish and maintain, for as long as user charges and surcharges are collected under the rate schedule instituted herein, accounts for the Sewage Works Improvement Fund as required by prior ordinances relating to the issuance of sewage works revenue bonds now outstanding

and further in accordance with the laws of the State of Indiana relative to the deposit and disbursement of public funds.

ARTICLE XI. - STORMWATER SERVICE

Sec. 24-55. General.

The Board of Public Works shall have the authority and responsibility to operate and maintain the City's stormwater system. Such authority shall include, but not be limited to, planning, designing, financing, constructing, maintaining, repairing, inspecting and managing now existing and hereafter constructed stormwater facilities. In addition, Board of Public Works shall cause the fees and charges for stormwater service promulgated elsewhere herein to be collected and shall enforce the provisions of this Article VI of this Chapter.

The Board of Public Works shall, wherever possible and most efficiently, use the joint facilities of the Fort Wayne City Utilities to manage, maintain, and construct the stormwater facilities of the City.

Sec. 24-56. Definitions.

Unless the context specifically indicates otherwise the meanings of the terms as used in this Article and as used in the Rules and Regulations adopted by the Board of Public Works for stormwater service are as set for the in Section 24-1-101,102,104, 105, 106, 107, 110, 112, 113, 114, 118, 120, 121, 123, 124, 127, 130, 132, 133, 134, 135, 137, 138, 141, 145 and as set forth hereafter respectively:

a) Classification of Users

- 1) "Residential User" shall include any user of the City's sewer system whose lot, parcel or real estate or building is used for domestic dwelling purposes only.
- 2) "Commercial User" shall include any user of the City's sewer system which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under Divisions G and H.
- 3) "Industrial User" shall include any user of the City's sewer system which is identified in Division A. B. D. E. or I of the Standard Industrial Classification Manual, 1982, Office of Management and Budget, as amended and supplemented.
- 4) "Institutional User" shall include social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions, and similar institutional users.
- 5) "Miscellaneous User" shall include legislative, judicial, administrative and regulatory activities of the federal, state, and local governments, as well as any users not assignable to other user classifications herein.

- b) "Public Stormwater Facilities" shall mean those drainage works which are located within public rights-of-way or in dedicated easements which have been accepted for maintenance by the City.**

- c) "Storm Sewers", in addition to definitions elsewhere herein, shall mean the portion of a sewer intended to carry stormwater only which begins at the grating or opening where water enters said sewer, through the sewer and any other conduits to the outlet structure where water enters a channel, natural watercourse or combined sewer.
- d) "Stormwater Facilities" shall mean various drainage works under the control of the City which may include inlets, conduits, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move, or regulate stormwater.
- e) "Stormwater Service Charge" shall mean a charge imposed on users of the City's stormwater collection, impounding and transportation system.
- f) "Stormwater System" shall mean all constructed facilities, structures and natural watercourses under the control of the city used for collecting and conducting stormwater to, through and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, ditches, streams, culverts, retention or detention basins and pumping stations; and excluding therefrom, any part of the system of drains and watercourses under the jurisdiction of the Allen County Drainage Board of the State of Indiana.

Sec.24-57. Stormwater Service Charges.

A monthly flat-rate charge for stormwater service rendered shall be charged to each sanitary sewer customer within the City limits. The stormwater service charge shall be billed and collected in conjunction with the City's billing system utilized for water and sanitary sewer users. Billing and collection of charges incurred under this section shall be subject to the procedure and provisions of ARTICLE VIII and IX of this Chapter.

Stormwater service charges are imposed hereunder to pay for the operation, maintenance, administration and improvement of the City's existing stormwater facilities. Factors utilized by the City to determine just and equitable fees for stormwater service are the same factors set forth in IC 36-9-23-25 for the determination of such fees for users of the City's sanitary sewerage system and treatment plant. In order to properly match the costs of providing stormwater service and charges imposed for that service, a flat charge has been established which takes more accurately into account the imperious stormwater runoff contributed by various general classes of users than does a fee based on water consumption or measurement of discharges to sanitary sewers.

The following charges for stormwater service shall apply to each of the classifications hereafter listed:

<u>SIC Class</u>	<u>Description of User</u>	<u>Monthly Flat Charge</u>
50	<u>Residential</u> - General	\$ 1.94
51	Multi-Unit Residential	1.94
60	<u>Commercial</u> - General	36.93
61	Restaurants	36.93

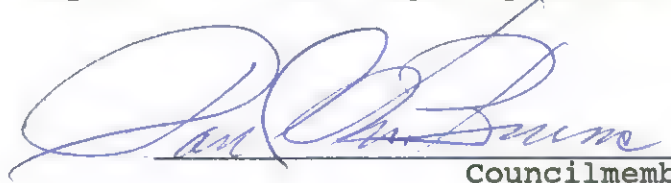
62	Retail Stores	36.93
63	Laundries/Dry Cleaners	36.93
64	Offices	36.93
65	Car Washes	36.93
66	Gas Stations	36.93
67	Hotels/Motels/Exhibits	36.93
70	<u>Industrial - General</u>	52.47
71	Manufacturing	52.47
72	Transportation	52.47
73	Utilities	52.47
74	Industrial Services	52.47
80	<u>Institutional - General</u>	36.93
81	Hospitals/Nursing Home	36.93
82	Churches	36.93
83	Schools	36.93
90	<u>Miscellaneous</u>	36.93

Sec. 24-58. Stormwater Fund.

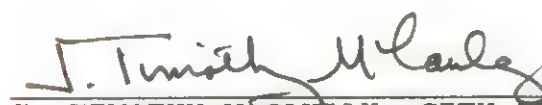
All revenues earned and fees collected for stormwater service, including but not limited to, drainage service charges, permit and inspection fees, direct charges and interest earnings on any unused funds shall be deposited in an Account entitled "City of Fort Wayne Stormwater Account". Disbursements from this account will be authorized by the Board of Public Works and, as required by law, the Common Council. Such disbursements will be used exclusively for the operation, maintenance and improvement of the City's stormwater system. Funds from this Account shall not revert to any other enterprise or Civil City fund and may not be transferred for any other purpose, including to avoid a default on bonds of any other enterprise fund or the City except by action of the Board of Public Works and the Common Council.

Sec. 24-59. Severability.

- a) The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.
- b) All Ordinances or parts of Ordinances and sections of the Municipal Code of the City of Fort Wayne in conflict herewith are hereby repealed.
- c) That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor and due legal publication thereof.


Councilmember

APPROVED AS TO FORM AND LEGALITY


J. TIMOTHY MCCAULEY, CITY ATTORNEY

Read the first time in full and on motion by Burns, seconded by Pudd, and duly adopted, read the second time title and referred to the Committee on City of Fort Wayne (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, 19____, at _____ o'clock _____ M., E.S.

DATED: 4-23-91.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Burns, seconded by Pudd, and duly adopted, placed on its passage. PASSED YES by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>		<u>1</u>	<u>2</u>
BRADBURY	<u>✓</u>			
BURNS			<u>✓</u>	
EDMONDS	<u>✓</u>			
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG				<u>✓</u>
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 6-11-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXTATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-17-91. on the 11th day of June, 1991.

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of June, 1991 at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of June 1991, at the hour of 1:10 o'clock P.M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE GENERAL

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

SYNOPSIS OF ORDINANCE 1. REPLACES CURRENT CHAPTER 24 OF THE FORT WAYNE

CITY CODE:

91-04-21

2. RECLASSIFIES CURRENT SEWER CUSTOMERS INTO NEW EPA MANDATED

CATEGORIES:

3. INCREASES INDUSTRIAL SURVEILLANCE FEES AND WASTE CHARGES FOR

INDUSTRIAL POLLUTEES:

4. PUTS IN PLACE A PROVISIONAL USER FEE STRUCTURE TO COMPLY WITH

EPA REGULATIONS CONCERNING STORMWATER MANAGEMENT AND THE EPA DISCHARGE

PERMIT PROCESS.

EFFECT OF PASSAGE COMPLIANCE WITH EPA STORMWATER AND WASTEWATER

REGULATIONS.

EFFECT OF NON-PASSAGE NON-COMPLIANCE WITH EPA STORMWATER AND WASTEWATER

REGULATIONS

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) PUBLIC WORKS COMMITTEE



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

May 15, 1991

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date
of May 18, 1991, in both the News Sentinel and Journal
Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-91-04-31
Public Hearing on Rates &
Charges of Fort Wayne Sewage Works

Please send us 4 copies of the Publisher's Affidavit
from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

NOTICE OF HEARING
ON PROPOSED RATES AND CHARGES
OF FORT WAYNE SEWAGE WORKS

Property owners and other interested parties in the City of Fort Wayne are hereby notified that on April 23, 1991, the Common Council introduced Bill No. G-91-04-31, thereby determining to establish rates and charges for services to be rendered by the sewage works. At a meeting of the Common Council to be held at 7:00 P.M. (Fort Wayne Time) on June 4, 1991, in the City County Building Room 126, there will be a public hearing on the matter of the rates and charges, and consideration of adoption of said Bill No. G-91-04-31, at our next regular session which bill provides in part as follows:

BILL NO. G-91-04-31

ARTICLE VI. USER CHARGES

Sec. 24-30. Residential User Charges.

Charges for services rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for this classification of service:

Service Charge (Cents per 100 cu. ft.)

Treatment	41.01
Conveyance, Collection, Billing	22.19
Capital	<u>11.98</u>
Total User Charge	<u>75.18</u>

User Minimum Charges and Other Fixed Payments

In the event the monthly sewage Service Charge calculated in accordance with the schedule above does not exceed the minimum monthly charge for each class of user as set forth hereafter, user shall pay said minimum monthly charge, in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 3.63
1 - 1 1/2"	12.82
2"	26.50
3"	53.30
4"	88.60
6" or larger	246.00

User Flat Charges

In the event that any user in this classification is not a metered water customer, there shall be imposed flat charge rates as follows:

<u>Classification of Customer</u>	<u>Monthly Flat Charge (1)</u>	
	<u>In City</u>	<u>Out-City</u>
Residential User-Single Family Dwelling	\$7.52	\$9.00
Residential User-Multi Family Dwelling	To be estimated by City	

a) Monthly flat charges for multi-family dwellings shall

be based on the number of family units accommodated by the system multiplied by the single family dwelling monthly charges.

The Utility shall retain documentation supporting its estimates and the billings based thereon. Such determination of billings may be reviewed and adjusted by the Utility at any time. However, no adjustment, additional charge or refund may be made more than six (6) years after the due date of the billing sought to be adjusted.

Inbalco Capital Surcharge - per month \$4.65

Sec. 24-31. Industrial User Charges.

Charges for services rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for this classification of service:

<u>Service Charge (Cents per 100 cu. ft.)</u>	
Treatment	41.01
Conveyance, Collection, Billing	22.19
Capital	<u>11.98</u>
Total User Charge	<u>75.18</u>

User Minimum Charges and Other Fixed Payments

In the event the monthly sewage Service Charge calculated in accordance with the schedule above does not exceed the minimum monthly charge for each class of user set forth hereafter, user shall pay said minimum monthly charge, in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 3.63
1 - 1 1/2"	12.82
2"	26.50
3"	53.30
4"	88.60
6" or larger	246.00

Other Industrial User Charges

- 1) Monthly billing charge - per bill \$3.15
- 2) Excess Strength of Wastes Surcharge - in the event an industrial user contributes waste having strength of sewage in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charges will be in effect for all waste found to be in excess of limitations:

	<u>Cents Per Pound</u>
Suspended Solids - (SS)	\$ 6.12
Biochemical Oxygen Demand - (BOD)	6.79
Phosphorus - (P)	55.14
Ammonia - (NH-3)	16.73

User Flat Charges

In the even any user in this classification is not a metered water customer, there shall be imposed a flat charge estimated by the City.

1 **Sec. 24-32. Commercial User Charges**

2 Charges for services rendered shall be based on metered
3 water consumption unless otherwise measured in accordance
4 with the following charges for this classification of
5 service:

<u>Service Charge (Cents per 100 cu. ft.)</u>	
Treatment	41.01
Conveyance, Collection, Billing	22.19
Capital	<u>11.98</u>
Total User Charge	<u>75.18</u>

8 User Minimum Charges and Other Fixes Payments

9 In the event the monthly sewage Service Charge calculated in
10 accordance with the schedule above does not exceed the
11 minimum monthly charge for each class of user as set forth
12 hereafter, user shall pay said minimum monthly charge, in
13 lieu of the charge calculated based on water usage, as
14 follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 3.63
1 - 1 1/2"	12.82
2"	26.50
3"	53.30
4"	88.60
6" or larger	246.00

17 User Flat Charges

18 In the event any user in this classification is not a
19 metered water customer, there shall be imposed a flat charge
20 rate estimated by the City.

21 Inbalco Capital Surcharge - per month \$4.65

22 Other commercial User Charges

23 In the even any user under this classification contributes
24 waste having a strength of sewage in excess of domestic
25 waste characteristics as hereinbefore defined, such user
26 will be charged for surveillance and surcharges as set forth
27 elsewhere herein for Industrial Users.

28 **Sec. 24-33. Institutional User Charges.**

29 Charges for services rendered shall be based on metered
30 water consumption unless otherwise measured in accordance
31 with the following charges for this classification of
32 service:

<u>Service Charge (Cents per 100 cu. ft.)</u>	
Treatment	41.01
Conveyance, Collection, Billing	22.19
Capital	<u>11.98</u>
Total User Charge	<u>75.18</u>

32 User Minimum Charges and Other Fixed Payments

 In the event the monthly sewage Service Charge calculated in
 accordance with the schedule above does not exceed the
 minimum monthly charge for each class of user set forth

hereafter, user shall pay said minimum monthly charge, in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 3.63
1 - 1 1/2"	12.82
2"	26.50
3"	53.30
4"	88.60
6" or larger	246.00

Other Institutional User Charges

In the event any user under this classification contributes waste having a strength of sewage in excess of domestic waste characteristics as hereinbefore defined, such user will be charged for surveillance and surcharges as set forth elsewhere herein for Industrial Users.

User Flat Charges

In the event any user in this classification is not a metered water customer, there shall be imposed a flat charge estimated by the City.

Inbalco Capital Surcharge - per month \$4.65

Sec. 24-34. Governmental User Charges.

Charges for serviced rendered shall be based on metered water consumption unless otherwise measured in accordance with the following charges for this classification of service:

<u>Service Charge (Cents per 100 cu. ft.)</u>	
Treatment	41.01
Conveyance, Collection, Billing	22.19
Capital	11.98
Total User Charge	75.18

User Minimum Charges and Other Fixed Payments

In the event the monthly sewage Service Charge calculated in accordance with the schedule above does not exceed the minimum monthly charge for each class of user set forth hereafter, user shall pay said minimum monthly charge, in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 3.63
1 - 1 1/2"	12.82
2"	26.50
3"	53.30
4"	88.60
6" or larger	246.00

Other Governmental User Charges

In the event any user under this classification contributes waste having a strength of sewage in excess of domestic waste characteristics as hereinbefore defined, such user will be charged for surveillance and surcharges as set forth elsewhere herein for Industrial Users.

User Flat Charges

In the event any user in this classification is not a metered water customer, there shall be imposed a flat charge estimated by the City.

Inbalco Capital Surcharge - per month \$4.65

Sec. 24-35. Contract Customers - Unit and Other Charges.

In the event the City consummates a contract to serve as a regional treatment plant for any other municipality or private sewage utility, either contiguous to the City or in its environs, said contract shall provide for the following unit charges:

a) Volume Charge (cents per 100 cu. ft.).

Treatment	41.01
Capital Charge	.25
	<u>41.26</u>

b) Variable Charge (cents per 100 cu. ft.).

A variable charge for conveyance and collection costs attributable to the portion of the conveyance system and operating costs associated therewith used by the contract customer shall be computed by the City and added to the volume surcharge.

c) Flat Charge.

In addition to the foregoing charge based on volume of sewage treated and conveyed each contract customer will pay a monthly billing charge of \$3.15 and a monthly surveillance charge of \$146.65.

d) Excess Strength of Waste Surcharge.

In the event an institutional user contributes waste having a toxic strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charges will be in effect for all waste found to be in excess of limitations:

Cents Per Pound

Suspended Solids - (SS)	\$ 6.12
Biochemical Oxygen Demand - (BOD)	6.79
Phosphorus - (P)	55.14
Ammonia - (NH-3)	16.73

e) Capital Surcharge.

In the event a contract customer delivers sewage for treatment to City for a period of 90 consecutive days which is in excess of base MGD contracted for, then customer will be subject to an additional capital charge computed at the capital charge (per 100 cu. ft.) then in effect times the excess percentage of MGD represented by dividing actual MGD by contracted MGD.

f) Other Provisions.

In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by this Chapter, the City shall have the right to impose all charges, limitations and penalties applicable to any non-contract user by the

City. Each contract entered into by the City pursuant to the foregoing rate classification shall provide that the contract customer shall agree to enact and maintain a Sewer Use Ordinances and User Charge System acceptable to the City and in conformance with the City's obligations under Sec. 204 (b) (1). Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35-905-8, 35-928-1 and 35-928-2 and 35-935-13.

Sec. 24-36. Bulk Waste Charges.

Industrial - for all industrial waste suitable for disposal directly through the plant digestors which as been delivered by the Customer to City's plant - \$287.50 per load. For purposes of computing charges hereunder, a load is defined as 5,000 gallons of tank capacity or fraction thereof.

Domestic - for all domestic waste delivered to plant by customer's truck or tank - \$37.25 per load. For purposes of computing charges hereunder, a load is defined as 1,000 gallons of tank capacity or fraction thereof.

Sec. 24-37. Annual Review of Service Charges.

Prior to May 1 of each year, the Chief Financial Officer of the City and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD, suspended solids and phosphorus per year, with the unit charges currently in effect from which the Board shall determine whether the current service charges an surcharges are adequate or should be changed. The methodology utilized in developing this cost comparison shall include:

- a) A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC Utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance and replacement costs to each user class.
- b) Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior operation period sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the Utility, including cost of management, system repair and replacement, debt retirement and other costs incidental to the Utility Operation attributable to such class.

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

June 17, 1991

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of
June 21 and June 28, 1991, in both the News Sentinel
and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-91-04-31
General Ordinance No. G-17-91
Sewers and Sewerage System

Please send us 4 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/NE
ENCL: 1

AN EQUAL OPPORTUNITY EMPLOYER

337-M

LEGAL NOTICE

Notice is hereby given that on the 11th day of
June, 19 91, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-91-04-31 General
Ordinance No. G-17-91 to-wit:

BILL NO. G-91-04- 31

GENERAL ORDINANCE NO. G-17-91

AN ORDINANCE AMENDING CHAPTER 24 OF THE
CITY OF FORT WAYNE CODE OF LAWS.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 24 of the City of Fort
Wayne Code of Laws be amended as follows:

CHAPTER 24

SEWERS AND SEWERAGE SYSTEM

ARTICLE I - General

Sec. 24.1. Definitions.

Unless the context specifically indicates otherwise,
the meanings of the following terms as used in this Chapter
and as used in the Rules and Regulations adopted by the
Board of Public Works implementing the provisions of this
Chapter for the Fort Wayne sewerage system are as set out
below respectively:

- a) "ACT:" the Federal Water Pollution Control Act, also
known as "The Clean Water Act," as amended, 33 U.S.C.
466, as referred to at I.C. 13-1-4-1.
- b) "APPLICABLE PRETREATMENT STANDARDS" - any pretreatment
limit or prohibitive standard (Federal, State and/or
Local) contained in the ordinance and considered to be
the more restrictive with which non-domestic users
shall be required to comply.
- c) "BIOCHEMICAL OXYGEN DEMAND (BOD)" - the quantity of
dissolved oxygen, in milligrams per liter, required
during the stabilization of the decomposable organic
matter by aerobic biochemical action of sewage, sewage
effluent, polluted waters or industrial wastes under
standard laboratory procedures for five days at 20°
centigrade. The laboratory determinations shall be
made in accordance with procedures set forth in
"Standard Methods" (see paragraph 138 below).
- d) "BUILDING (OR HOUSE) DRAIN:" that part of the lowest
piping of a drainage system which receives the
discharge from soil, waste and other drainage pipes
inside the walls of the building and conveys it to the
building sewer.

"COMBINED:" a building drain which conveys both sewage
and storm water or other drainage.

"SANITARY:" a building drain which conveys sewage
only.

"STORM:" a building drain which conveys storm water or
other drainage, but not sewage.
- e) "BUILDING (OR HOUSE) DRAIN CONNECTION:" the point
where the Building (or House) sewer is connected to the
building drain at a location approximately three (3)
feet outside the foundation wall of the building.
- f) "BUILDING (OR HOUSE) SEWER" - that part of the


62	Retail Stores	36.93
63	Laundries/Dry Cleaners	36.93
64	Offices	36.93
65	Car Washes	36.93
66	Gas Stations	36.93
67	Hotels/Motels/Exhibits	36.93
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81	Hospitals/Nursing Home	36.93
82	Churches	36.93
83	Schools	36.93
90	<u>Miscellaneous</u>	36.93

Sec. 24-58. Stormwater Fund.

All revenues earned and fees collected for stormwater service, including but not limited to, drainage service charges, permit and inspection fees, direct charges and interest earnings on any unused funds shall be deposited in an Account entitled "City of Fort Wayne Stormwater Account". Disbursements from this account will be authorized by the Board of Public Works and, as required by law, the Common Council. Such disbursements will be used exclusively for the operation, maintenance and improvement of the City's stormwater system. Funds from this Account shall not revert to any other enterprise or Civil City fund and may not be transferred for any other purpose, including to avoid a default on bonds of any other enterprise fund or the City except by action of the Board of Public Works and the Common Council.

Sec. 24-59. Severability.

- a) The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.
- b) All Ordinances or parts of Ordinances and sections of the Municipal Code of the City of Fort Wayne in conflict herewith are hereby repealed.
- c) That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor and due legal publication thereof.


Councilmember

Paul M. Burns

Read the third time in full and on motion by Burns, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six
Bradbury, Edmonds, Henry, Redd, Schmidt, Talarico
NAYS: None
ABSTAINED: One
Burns
ABSENT: Two
GiaQuinta, Long

DATED: 6-11-91

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-17-91, on the 11th day of June, 1991.

ATTEST

SEAL

Sandra E. Kennedy
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of June, 1991, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 12th day of June, 1991, at the hour of 1:10 o'clock P.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-17-91, passed by the Common Council on the 11th day of June, 1991, and that said Ordinance was duly signed and approved by the Mayor on the 12th day of June, 1991, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 12th day of June, 1991.

SEAL

Sandra E. Kennedy
Sandra E. Kennedy

City of Fort Wayne

(Governmental Unit)

To:

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

Allen County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

lines wide equals 321 equivalent lines

\$ 105.93

Containing rule or tabular work

2.00

ation (\$1.00 for each proof in excess of two)

\$ 107.93

TRINITY ENGLISH EVANGELICAL
Pastors: Richard G. Frazier, Daniel L. Hamlin
405 West Wayne Street
Church School 9:00 A.M.
Worship 8:00, 10:30 A.M.
Dele Henderson, Pastor
2305 Goshen Road
ST. MATTHEW'S
Sunday School 9:30-10:20 (all ages)
Worship Service 8:15, 10:30 A.M.
Keith A. Kriesel, Pastor
3601 Warsaw St.
ST. LUKE'S
Entrance ramp available for the Handicapped
Nursery Available
Sunday Church School 8:00 A.M.
Sunday Worship Services 7:45, 10:15 A.M.
Jeremy G. Fussell, Pastor
7914 West Cook Road
ST. JOHN'S LAKE TOWNSHIP
Nursery Available
Radio-WGL (1250) 8:00 A.M.
Worship Services 8:00, 10:30 A.M.
Sunday School 9:15 A.M.
Pastors: John Panikuk and O. Wayne Shalkson
729 West Washington Blvd.
(and Christian Day School)
ST. JOHN'S
Prayer Service, Wednesday 7:00 P.M.
Nursery Available
Fellowship Coffee 8:15-9:30 A.M.
Sunday School and Adult Sharing 9:30 A.M.
Worship Services 8:15, 10:45 A.M.
Donald Meyers, Pastor
5421 Homestead Rd.
ST. ANDREW
Nursery Available
Sunday School 9:15-10:15 A.M.
Worship 8:30, 10:30 A.M.
Forrest Van Gundy, Pastor
7401 Coldwater Rd.
RESURRECTION
Church and Sunday School
Sunday 8:15, 9:30, and 11:00 A.M.
Worship Services Saturday Eve. 6:30 P.M.
Past. Carl H. Satre, Alice W. Smith, Terry R. Bream
6201 Stellhorn Road
MESSIAH
Nursery Available
Worship 8:00 and 10:30 A.M.
Sunday School 9:15 A.M.
Russell D. Shook, Pastor
W. Jefferson Blvd. (Across from GTE)
LORD OF LIFE
Sunday at 9:15 A.M.
Saturday Evening at 6:00 P.M.
Worship Services
William J. Hoeger, Pastor
North Clinton and Bethany Lane
GETSEMANE
Nursery Available
Summer Worship Service 9:30 A.M.
Daniel M. Strobel, Pastor
1700 E. Pettit Ave. (West off S. Anthony Blvd.)
FAITH
Nursery Available
Worship 10:30 A.M.
Educational Hour 9:00 A.M.
Steve Alberdt, Pastor
6606 Maplecrest Rd.
EPIPHANY
Sponsored By Trinity Lutheran Church,
Rev. T.R. Toykowski, Pastor

CHURCH DIRECTORY
USE THE WANT ADS DIAL 461-8211
Pastor Emeritus: Edward S. Vought
Ministers: Marvin Crooms, Sandra Knapke
Child care - Signed service for deal
Church School 9:30
Worship 8:30 & 10:45 a.m.
2100 Kentucky Ave. 484-6696
FOREST PARK
Ministers: Dean V. Suckley, Mary C. Miller
Margaret McCrory Worral, Pastoral Counselor
Nursery facilities - All Services
Worship 9:00 & 11:00 a.m. Church School 10:00 a.m.
300 East Wayne St. 422-4681
FIRST WAYNE STREET
Linda S. Craig
Ministers: Dr. C. David Hogsett,
Nursery facilities - All Services
Church School 10:00 a.m., UMYF 6:15 p.m.
Worship 8:45 & 11:00 a.m., Fellowship 9:45 a.m.
1222 Crescent Ave. 424-4509
CRESCENT AVENUE
Nurses lounge, Psychological Services
Rev. Steven Conner
Ministers: Dr. Brian J. Wither
Nursery facilities - All Services
Church School 9:45 a.m.-Adult Options at 11:00
Worship 8:30, 9:45, 11:00 Sundays or 11:00
2417 Gair Rd. 432-1524
ALDERSGATE
UNITED METHODIST CHURCHES

Evangelical Fellowship
Meanwhile, the third round of talks between U.S. Catholics and Pentecostal Christians led to a volume titled "Perspectives on Koinonia," a Greek word meaning "love in community." The talks will proceed into a fourth cycle.
"We are irreversibly committed to the ecumenical movement," the archbishop said. "It is the will of God that we will be one. That is the prayer that our Lord offered at the Last Supper."
"If it is the prayer of our Lord, then it is his command for us."
Terry Mattingly teaches media and popular culture at Denver Seminary. He writes this column weekly for the Scripps Howard News Service.

to the amount
to part of the

indy Gullenwates
Clerk

DAVIT

any public in and for said county and state, the
er
who, being duly sworn, says that he/
the Journal-Gazette newspaper of general
the English language in the (city) (town) of
county aforesaid, and that the printed matter
which was duly published in said paper for
publication being as follows:

is 18th day of May 19 91

Notary Public Whitley County, IN
SHELLEY R. LARUE

City of Fort Wayne

(Governmental Unit)

Allen

County, Indiana

To:

The News-Sentinel

P.O. Box 100

Fort Wayne, IN

Dr.

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

321 lines, 1 columns wide equals 321 equivalent lines
at .33 cents per line

\$ 105.93

**Additional charge for notices containing rule or tabular work
(50 percent of above amount)**

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

107,93

DATA FOR COMPUTING COST

COVENTRY EIGHT
 VILLAGE AT COVENTRY
 436-1124

AT BOTH THEATRES!
SAT. & SUN.
 1:00-3:30-5:30-7:30-9:30

AT NORTHCHEST
HOLIDAY EIGHT
 484-2223

A TIME WARNER COMPANY
 OFFICE: 1000 BROADWAY, NEW YORK, N.Y. 10018

R-13
 Restricted Under 13
 Some Material May Be Inappropriate for Children Under 13

Switch

Steve and Walter used to have a preference for blondes. Then Steve was murdered... and came back as one. Will being a woman make him a better man?

PG-13
 Restricted Under 13
 Some Material May Be Inappropriate for Children Under 13

COVENTRY EIGHT
 VILLAGE AT COVENTRY
 436-1124

AT BOTH THEATRES!
SAT. & SUN.
 1:00-3:30-5:30-7:15-9:20

GEORGETOWN
 6300 EAST STATE
 749-4061

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FX2

THE DEADLY ART OF ILLUSION

A PAGE IN
HARLEM (R)
1:30-3:30-5:30-7:30-9:30
Saturday 7:30

A KISS BEFORE Dying (R)
1:30-3:30-5:30-7:30
SUNDAY 7:30

TOY SOLDIER (R)
1:20-3:20-5:20-7:20-9:20

FX-2 (PG-13)
1:00-3:05-5:10-7:15-9:20

053,

that the amount
no part of the

Cindy Gillenwater
Clerk

Clerk

the WPC Utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance and replacement costs to each user class.

b) Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior operation period sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the Utility, including cost of management, system repair and replacement, debt retirement and other costs incidental to the Utility Operation attributable to such class.

Sandra E. Kennedy, City Clerk, and state, the

5-18

The News-Sentinel _____ newspaper of general
in the English language in the (city) (town) of
county aforesaid, and that the printed matter
which was duly published in said paper for
publication being as follows:

Yellowwater

his 18th day of May, 1929

his 18th day of May, 1991

Notary Public Whitley County, IN
SHELLEY R. LARUE

394

City of Fort Wayne
(Governmental Unit)

To: The Journal-Gazette
P.O. Box 100
Fort Wayne, IN Dr.

Allen County, Indiana

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DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Cindy Gillenwater

Date: May 18, 19 91

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time(s), the dates of publication being as follows:

5/18/91

Cindy Gillenwater

Subscribed and sworn to before me this 18th day of May, 19 91.

Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1994

ls gain
merica

ON RELIGION

tical conservatives in attacking
holics who preach a potent
nd of "Liberation Theology."
Vatican has opposed some the-
ians who blend liberation and
xism.
What about the future?
Can evangelicals convert Catho-
without practicing anti-Catholi-
? Can Catholic leaders open an
of religious freedom in Latin
merica without making it easier
Catholics to leave the fold? Are
erican conservatives pushing
tics as they send cash and mis-
aries into Latin America?
Can these two camps communi-
without conflict?
Cassidy said the Vatican hopes
open talks with the Lausanne
mittee for World Evangeliza-
which was founded by the

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(Governmental Unit)
Allen
County, Indiana

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P.O. Box 100
Fort Wayne, IN

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Shelley R. Larue

Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1994

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s the basis for the user's contribution to
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and replacement costs to each user

annual service charges and surcharges
n each individual user class shall be
cient if said charges have generated
or operation period sufficient revenue to
t of all treatment works operation and
provided by the Utility, including cost of
system repair and replacement, debt
d other costs incidental to the Utility
tributable to such class.

Sandra E. Kennedy
City Clerk

GENERAL CINEMA
NORTHWOOD
LEHORN & MAPLECREST RDS.
485-9653

GENERAL CINEMA
SOUTHTOWN
U.S. 27 SOUTH of TILLI
447-3535

SAT. & SUN.
1:30-3:30-5:30-7:30-9:30

Locally Owned - Lo

\$3.00 BAI
All Sh

436-1124
COVENTRY EIGHT
VILLAGE at COVENTRY

IMAGE MUTANT NINJA
UES II" (PG) 1:15-3:15-5:15
UT FOR JUSTICE" (R)
7:30-9:30

"SWITCH" (R)
4:30-5:30-7:30-9:30

STONE COLD" (R)
5:30-7:30-9:30

"FX-2" (PG-13)
1:00-3:05-5:10-7:15-9:20

"MANNEQUIN-2"
(PG)
1:25-3:25-5:25-7:25-9:25